

product which should contain not less than 80 percent of milk fat as prescribed by the act of March 4, 1923.

On April 26, 1938, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

28896. Adulteration and misbranding of butter. U. S. v. 10 Boxes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 42095. Sample Nos. 9806-D, 19218-D.)

This product contained less than 80 percent of milk fat.

On March 24, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 boxes of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 18, 1938, from St. Paul, Minn., by the Northwest Dairy Forwarding Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cremoland Sweet Cream Butter A Product of Farmers Cooperative Creameries * * * Zenith-Godley Co."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

Misbranding was alleged in that the word "Butter," appearing on the boxes, was false and misleading and tended to deceive the purchaser when applied to a product containing less than 80 percent of milk fat.

On April 1, 1938, the Zenith-Godley Co., Philadelphia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

28897. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 42094. Sample No. 8510-D.)

This product contained less than 80 percent of milk fat.

On March 15, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 3, 1938, from West Salem, Wis., by Barre Mills Cooperative Creamery Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On March 15, 1938, C. H. Weaver & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked.

M. L. WILSON, *Acting Secretary of Agriculture.*

28898. Adulteration of canned peas. U. S. v. 22 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. No. 41949. Sample No. 1870-D.)

Examination of this product showed the presence of decomposed peas.

On March 11, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cases of canned peas at Lorain, Ohio, alleging that the article had been shipped in interstate commerce on or about January 25, 1938, from Lineboro, Md., by Lineboro Canning Co., Inc., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Taste Best Brand Early June Peas * * * Packed by Lineboro Canning Co., Inc., Lineboro, Md."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.